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Francis Pinault

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

POLTORAK, PIOTR

ART UNIT

PAPER NUMBER

2134

MAIL DATE

DELIVERY MODE

10/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/873,357

Applicant(s)

PINAULT ET AL.

Examiner

Peter Poltorak

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's response received on 7/06/07 has been accepted.

Response to Amendment

2. Applicant's arguments have been carefully considered but were not found persuasive.
3. As per claims 1-10, applicant argues that Toga does not disclose performing "filtering based on data content of said multimedia data stream but instead discloses filtering based on a tag.

The examiner points out that Toga discloses filtering based on pricetag of the content, which reads on the limitation "filtering based on data content". It appears that applicant intended the claim language to have a particular interpretation (see pg. 7 of applicant's remarks: "In Toga, the web proxy 22 does not analyze the data content itself", for example).

The examiner recommends to amend claims in order to further articulate the intended meaning of the claim language since in the current form the language is very broad allowing wide range of suitable references. For example, note that "resource constraints" as well as "content based upon age" filtering, also would satisfy "filtering based on data content..." limitation.

4. In the Remarks applicant did not address the newly introduced claims 11-13, which appears to further limit the claim language. However, the examiner points out that the data stream including multimedia content as well as pricetag of the content reads

on the multimedia content stream. Furthermore, in regard to claim 11, it is not clear what exactly constitutes of "an information of said multimedia data"? Any stream of data have information (e.g. a port identifying the information, type of the data (e.g. a protocol, UDP for instance), information about how to interpret the incoming data stream packets (e.g. first 32 bits identify IP address, the packet length, content location within data packets, etc.). As a result, filtering disclosed by Toga, inherently comprises "analyzing an information of said multimedia data" in the broadest, reasonable interpretation. Furthermore, as per claim 12, the limitations also allow for various interpretations to read on the claim language. For example, firewalls inherently store only a part (at least temporarily) of the multimedia data stream since the data stream is received (and process) as a sequence of data rather than one big chunk of data received precisely at the same moment.

5. Claims 1-2 and 4-13 have been examined.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Rejections - 35 USC § 103

6. Claims 1-2, 4 and 8-12 remain rejected and newly presented claim 13 is newly rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, rejected under 35 U.S.C. 103(a) as being unpatentable over Toga (USPN 6041355).

Toga discloses enabling user terminals connected to a private network accessing a computer network to exchange information via a private access node (Toga, Fig. 1).

Art Unit: 2134

7. As per claims 1-2, 4, 8 and 10, in col. 2 lines 44-col. 3 line 26, Toga recites as follows: "FIG. 1 is a block diagram of a firewall separating a first network from a second network of computers. The first network, network A, is the internet 10 which includes the World Wide Web and its many web sites, such as web site 12. Network A is coupled to Network B, which may be a corporate network of computers, for example... The filtering router 20 is connected to the Internet 10. The filtering router 20 accepts only requests from the web proxy 22 for retrieving data from the Internet 10... Similarly, the filtering router 24 is connected to the client computers 30. The filtering router 24 accepts requests from the client computers 30 only directed to the web proxy 22. The filtering router 24 also only allows data from the web proxy 22 to be provided to the client computers 30... In the present invention, the web proxy monitors the content description language that was returned from the Internet. The web proxy looks at tags that indicate information about the content of the data, as will be described further with reference to FIG. 2. The web proxy then determines completion decisions as to whether to allow the transfer of data based upon the tag information. For example, the web proxy may allow complete transfer or partial transfer of the data. It may defer the transfer until a later time, or it may cache the transfer to allow its clients to access the data from this transfer without the need to retrieve the data a second time from the Internet. Various other completion decisions based upon resource constraints, content based upon age, and pricetag of the content are possible, as will be described".

This reads on: temporarily storing a data stream received from a computer network and addressed to a user terminal of the user terminals connected to the private network in response to an access request from the user terminal in order to perform filtering based on data content of the data stream and discloses the presence of filtering based on data content of the data stream, wherein the filtering authorizing or blocking transmission of the multimedia data stream to the terminal is a function of particular criteria applied to the data stream received at the private access node.

The pricetag (tag) disclosed by Toga (in col. 4 lines 14-17, for example) reads on a signature. Thus, decisions making based upon pricetag within the data stream, reads on analyzing a signature included in the data stream for the purpose of the filtering.

8. Furthermore, not only Toga does not limit the data stream to data other than multimedia, but also Toga explicitly suggests that the received data could be multimedia data (Toga, e.g. col. 1 lines 14-31, col. 3 lines 33-40 etc.). Thus, it would have been at least obvious, if not inherent, to one of ordinary skill in the art at the time of applicant's invention to extend the Toga's invention to multimedia data stream. One of ordinary skill in the art would have been motivated to perform such a modification in order to extend filtering to various kinds of data, including multimedia data.
9. (The examiner also points out that even if Toga did not disclose multimedia data, requesting and receiving a multimedia data stream is old and well-known in the art of computing (e.g. Internet Browsing, U.S. Patent No. 6223292 etc.))

Art Unit: 2134

10. The filtering device in Toga's invention is part of the private network (e.g. col. 2 lines 49-55), which reads on providing particular criteria from the private network.
11. As per claim 9, Toga disclosure in col. 4 lines 8-11 and 17-21, clearly indicates performing an identifier search analysis on the data addressed to a user terminal to authorize transmission of the data to the terminal if an identifier is found in the multimedia data stream addressed to the terminal.
12. As per new claim 11, any stream of data have information (e.g. a port identifying the information, type of the data (e.g. a protocol, UDP for instance), information about how to interpret the incoming data stream packets (e.g. first 32 bits identify IP address, the packet length, content location within data packets, etc.). As a result, filtering disclosed by Toga, inherently comprises "analyzing an information of said multimedia data" in the broadest, reasonable interpretation.
13. Furthermore, as per new claim 12, firewalls inherently store only a part (at least temporarily) of the multimedia data stream since the data stream is received (and process) as a sequence of data rather than one big chunk of data received precisely at the same moment.
14. As per claim 13, elements of the multimedia data stream that represent resource constraints taken in consideration for filtering decisions, e.g. elements indicating content age and/or pricetag of the multimedia stream age, read on a signature, indicating an existence of restriction on a user of the multimedia data stream. Similarly, a content label, which is a part of the multimedia stream, disclosed in Fig.

Art Unit: 2134

2 (e.g. "Violent content") reads on a signature, indicating an existence of restriction on a user of the multimedia data stream.

15. Claims 5-7 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Toga (USPN 6041355) in view of Fritch (USPN 6105132) in view of Cotten (USPN 6330590).

Toga in view of Fritch teach filtering an access control that decides to allow or disallow data transmission as discussed above.

16. Toga in view of Fritch do explicitly teach retaining non-conformance data to enable interruption of a subsequently received data stream.

Cotton teaches counting, for control purposes, the number of times that data of a particular content is received and retaining non-conformance data to enable interruption of a subsequently received data stream (col. 3 line 46-col. 4 line 52).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to retain non-conformance data to enable interruption of a subsequently received data stream as taught by Cotton. One of ordinary skill in the art would have been motivated to perform such a modification in order to filter not only non-permitted but also unwanted data.

17. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toga (USPN 6041355) in further view of Hitson (USPUB 20020010759).

Toga discloses performing filtering based on data content of multimedia data stream and a signature, indicating an existence of restriction on a user of the multimedia data stream as discussed above.

Art Unit: 2134

18. However, even if Toga's invention did not include a signature, indicating an existence of restriction on a user of the multimedia data stream Hitson discloses a signature, indicating an existence of restriction on a user of the multimedia data stream (Hitson [0010] and claim 17). The signature in Hitson's disclosure is used in restricting access to the data. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a signature indicating an existence of restriction on a user of the multimedia data stream access using (and restrict access to the data based on the signature). One of ordinary skill in the art would have been motivated to perform such a modification in order to ensure access to the content only to authorized group.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Gross (USPN 6802004).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2134

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



9/25/07



KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER